HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16776 OF 2007

Dated: 07.08.2007

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Between:

1. The Secretary, Panchayat Raj & Rural Development, Secretariat Buildings, Hyderabad & others

..Petitioners

And

1.Nagipagu Venkaiah & another

..Respondents.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16776 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed seeking to call for the records pertaining to the order of the tribunal in O.A.No:8588 of 2000, dated 27.4.2001 and set aside the same.

The 1st respondent is the applicant. On the O.A. filed by him seeking to direct the respondents to give the time scale of Rs.1595-3200 as recommended by the 3rd respondent dated 18.12.1995 in his proceedings in Roc.No:67 of 1995 (Pts.)/A3 by regularizing the services of the applicant as Bill Collector in the time of scale of Rs.1595-3200 w.e.f. 1.7.1994.

The tribunal having observed that the applicant was originally appointed on 1.7.1988 as NMR Bill Collector and his services are being continued till today by virtue of the extension of the sanction of the post from time to time and the said sanction is upto 1.7.2001 and the pay of the applicant is being enhanced from time to time and therefore, the applicant is entitled to the regularization to the post of Bill Collector with all consequential benefits, directed the respondents to regularize the services of the applicant as Bill Collector in terms of G.O.Ms.No:212, dated 22.4.1994 with all consequential benefits of time scale etc and further directed to complete this exercise within a period of two months from the date of receipt of the said order. Having aggrieved by the same, the respondents have preferred the present writ petition.

Heard and perused the material available on record as well as the order impugned.

It is contended by the learned counsel for the respondents-writ petitioners that the applicant was appointed as N.M.R. Bill collector in part time Bill Collector Post with one day break for every three months at Kopperapadu Gram Panchayat, Prakasam District w.e.f. 1.7.1988

and therefore, the G.O.Ms.No:212 can not be made applicable to the case of the applicant and hence, the tribunal is not justified in passing the order impugned.

The fact that remains undisputed is that the applicant was appointed as N.M.R. Bill Collector at Kopperapadu Gram Panchayat, Prakasam District w.e.f. 1.7.1988 and he is being continued as such till today by enhancing the pay from time to time.

In this background of the matter and in view of the fact that the applicant is being continued as the NMR Bill Collector w.e.f. 1.7.1988 and also in view of the fact that the department has chosen to file the present writ petition challenging the impugned order after a period of 5 years, We have no hesitation to hold that the tribunal is justified in passing the order impugned. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this W.P. is dismissed. No costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 7th August, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16776 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

07/08/2007

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CIVIL REVISION PETITION No:744 OF 2005

28.1.2006